

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SUNGARD RECOVERY SERVICES	:	
L.P.,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 02 cv 3845
v.	:	
	:	
UNISOURCE WORLDWIDE, INC.,	:	
	:	
Defendant.	:	

**DEFENDANT’S MOTION FOR  
PARTIAL JUDGMENT ON THE PLEADINGS**

Defendant Unisource Worldwide, Inc. (“Unisource”), pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, hereby moves the Court for judgment on the pleadings as to Count II of plaintiff’s Complaint. In support of this motion, Unisource would show the Court that plaintiff’s Count II, which asserts a claim for equitable relief under a theory of unjust enrichment, is inapposite and cannot stand in light of the alleged and admitted existence of a written contract between the parties that governed their business relations.

In further support of this motion, Unisource respectfully refers the Court to the attached Memorandum of Law, the contents of which are incorporated herein by reference.

WHEREFORE, defendant Unisource Worldwide, Inc. respectfully requests that the Court issue an Order dismissing Count II of plaintiff's Complaint with prejudice.

Respectfully submitted,

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Attorneys for Defendant  
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Dated: August 14, 2002

**CERTIFICATE OF SERVICE**

I, Eliot G. Long, hereby certify that, on this 14th day of August, 2002, I caused a true and correct copy of the foregoing to be served on the following by hand delivery:

Laurence S. Shastel, Esquire  
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Attorneys for Plaintiff  
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Eliot G. Long